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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

CHARLES MCDONALD,

Petitioner,

vs.

BRIAN WILLIAMS, *et al.*,

Respondents.

Case No. 2:19-cv-00261-RFB-DJA

**UNOPPOSED MOTION FOR EXTENSION  
OF TIME TO FILE ANSWER TO  
AMENDED PETITION FOR WRIT OF  
HABEAS CORPUS  
(ECF NO. 14)**

**(FIFTH REQUEST)**

Respondents move this Court for an eight-day enlargement of time from the current due date of Monday, September 13, 2021, up to and including Tuesday, September 21, 2021, in which to file their answer to Petitioner's Amended Petition for Writ of Habeas Corpus. This motion is made pursuant to Fed. R. Civ. P. 6(b) and Rule 6-1 of the Local Rules of Practice and is based upon the attached affidavit of counsel.

This is the fifth enlargement of time sought by Respondents and is brought in good faith and not for the purpose of delay.

DATED September 13, 2021.

AARON D. FORD  
Attorney General

By: /s/ Allison Herr  
ALLISON HERR (Bar No. 5383)  
Senior Deputy Attorney General

**DECLARATION OF ALLISON HERR**

STATE OF NEVADA     )  
                                  ) ss:  
COUNTY OF CLARK    )

I, Allison Herr, being first duly sworn under oath, depose and state as follows:

1. I am an attorney licensed to practice law in all courts within the State of Nevada and am employed as a Senior Deputy Attorney General in the Office of the Nevada Attorney General. I have been assigned to represent Respondents in the case of *Charles McDonald v. Brian Williams*, 2:19-cv-00261-RFB-DJA, and as such, have personal knowledge of the matters contained herein.

2. An answer to the Amended Petition for Writ of Habeas Corpus (ECF No. 14) is currently due on Monday, September 13, 2021, but I have been unable to timely complete the answer. I was unexpectedly ill last week and under quarantine. While I was still able to make substantial progress on the answer, I need to address one remaining claim, and am seeking a brief extension to allow my response to be reviewed and approved by my superiors. This review process typically takes one week; thus, I am seeking a brief eight-day extension to ensure this review is completed along with any necessary changes.

3. I apologize for this unexpected delay. I have been working diligently to overcome a backlog of cases, and this is one two remaining cases on that list. In the last two weeks I participated in an oral argument before the Ninth Circuit in *Patterson*, 20-15635; completed a motion to dismiss in *Eagles*, 3:20-cv-514, and participated in several state court matters. I had also anticipated that this answer would be completed but illness prevented me from reaching that goal.

4. I have discussed this matter with opposing counsel, and he does not object to my request for an extension.

5. This is the fifth request for an extension.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 13<sup>th</sup> day of September 2021.

IT IS SO ORDERED:

/s/ Allison Herr  
ALLISON HERR (NV Bar No. 5383)



RICHARD F. BOULWARE, II  
United States District Judge  
DATED this 13th day of September, 2021.

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing *Unopposed Motion for Extension of Time to File Answer to Amended Petition for Writ of Habeas Corpus (ECF No. 14) (Fifth Request)* with the Clerk of the Court by using the CM/ECF system on September 13, 2021.

The following participants in this case are registered electronic filing system users and will be served electronically:

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/s/ C. Martinez  
An employee of the Office of the Attorney General